APPENDIX

Plaintiff's Exhibit 15, National Guard Regulations No. 75-16

(J.A. 634-39)

1. *Authority:* Accounting clerks and caretakers referred to in these regulations are employees authorized under the provision of section 90, National Defense Act, for the administration and care of material, armament, vehicles, and equipment provided for the National Guard and used solely for military purposes. The Secretary of the Army has delegated to the several adjutants general of States, Territories, and the District of Columbia, authority to employ, fix rates of pay, establish duties and work hours (not to exceed 40 hours per week), and to discharge employees within the purview of this regulation; subject to the provisions of law and such instructions as may from time to time be isued by the Chief, National Guard Bureau. (JA 635)

2. *Definitions:* The following definiitons are applicable:

b, *Caretakers* (Army) are male, civilian employees authorized as supervisors, mechanics, and technicians. They may be divided into two main categories.

(1) *Unit Caretakers:* Employees who work directly under the supervision of a company or similar unit commander and are responsible to that commander for the care, maintenance, and repair of the unit equipment.

(2) *Pool Maintenance Caretakers:* Employees who work in or from fixed shops, under the direction of shop or pool supervisors and under the general supervision of the State maintenance officer. They are responsible for the inspection, repair, and reconditioning of equipment pertaining to National Guard organizations. (JA 635)

c. *Caretakers* (Air) are male civilian employees authorized by law for maintenance, repair, and inspection of equipment issued to the National Guard Air units.

3. *Number:* The number of accounting clerks and caretakers authorized to be paid from Federal funds in each State will be announced periodically by the Chief, National Guard Bureau. This number will be based on geographic considerations, troop strengths, the amount and types of equipment issued to the State, and upon funds made available for the National Guard. The number of personnel actually paid from Federal funds may exceed the total specified from time to time by the Chief, National Guard Bureau, if employment is on a part-time basis and funds alloted for each job are not exceeded. (JA 636)

4b. *Caretakers (Army)*

(1) *Unit caretakers* must be members of the National Guard and of the unit for which employed. They must be qualified to perform maintenance, at the organizational level, on the equipment for which the unit commander will be responsible. Such qualifications will be determined by appropriate aptitude tests. (JA 636).

c. Caretakers (Air) must be members of the National Guard and must be able to perform the duties specified for the particular job in AAF Manual 35-0-1 "Military Personnel, Classification and Duty Assignment," 3 April 1944 (as revised) or WD TM 12-427 "Military Occupational Classification of Enlished Personnel," 12 July 1944 (as revised). However, they may be trained in additional duties as may be required by the unit commanders. Commissioned officers of the National Guard Air Units may be employed as caretakers only in the Military Occupational Specialty

positions indicated in current chart for Permanent Caretaker Detachment, National Guard Air units. (JA 637)

7d. Payrolls will be certified by the bonded United States property and disbursing officer and approved by the State adjutant general or an officer designated by him. (JA 639)

CHANGE No. 1

NGR 75-16, 29 December, 1947, is changed as follows:

Authority: Accounting clerks and caretakers referred to in these regulations are employees authorized under the provisions of Section 90, National Defense Act, for the administration and care of materiel, armament, vehicles and equipment provided for the National Guard and used solely for military purposes. The Secretary of the Army had delegated to the several adjutants general of States, Territories and the District of Columbia, authority to employ, fix rates of pay, establish duties and work hours, and to discharge employees within the purview of this regulation; subject to the provisions of law and such instructions as may from time to time be issued by the Chief, National Guard Bureau. (JA 646)

Plaintiff's Exhibit 16, National Guard Regulations No. 75-16

(JA 647) (Superceded)

1. *Purpose:* The purpose of these regulations is to outline the qualifications, duties, rights and obligations of the following personnel (hereinafter referred to collectively as "National Guard civilian personnel"): administrative assistants; accounting clerks; maintenance personnel; rangekeepers; and administrative, supply and main-

tenance technicians, and to prescribe the procedure for the payment of these individuals.

2. *Authority:* National Guard civilian personnel referred to in these regulations are employees authorized under the provisions of Section 90, National Defense Act, for administrative and accounting duties, maintenance repair and inspection of materiel, armament, vehicles and equipment provided for the National Guard and used solely for military purposes. The Secretary of the Army has delegated to the adjutants general of the several States, Territories, Puerto Rico, and the District of Columbia, the authority to employ, fix rates of pay, establish duties and work hours (a minimum of 40 hours per week), supervise and discharge employees within the purview of these regulations; subject to the provisions of law and such instructions as may from time to time be issued by the Chief, National Guard Bureau. (32 U.S.C.A. 42 and 42a; G.O. No. 96, Dept. of the Army, 9 Nov. 51).

3. *Definitions:* a. Administrative assistants are federally recognized officers, warrant officers or enlisted men employed as civilians to act as civilian administrative assistants to commanders in the performance of such duties, responsibilities and administrative matters for which the commanders are responsible, or may be required to perform. (JA 648-649)

Plaintiff's Exhibit 17, ANGR 40-01

SECTION I—*General.*

1. *Purpose:* This Regulation provides a manning guide for the Air National Guard civilian personnel program and establishes policies and procedures applicable to Air National Guard civilian personnel. (JA 656)

2. *Policy:* a. Air National Guard civilian personnel shall be utilized to effect maximum efficiency in administra-

tion, supply, operations, training, and maintenance of the Air National Guard.

b. Air National Guard civilian personnel must be federally recognized members of the Air National Guard of the State, Territory, Puerto Rico, or the District of Columbia except for the employment of:

(1) Females (when specifically authorized by the Chief, National Guard Bureau).

(2) Temporary personnel paid from funds other than those designated for the pay of air technicians.

e. Airmen type air technician positions may be transferred to other units or organizations, or the position may be changed to another authorized position at the discretion of the State adjutant general, except that such positions may not be transferred to or from Headquarters, State Air National Guard without prior approval of the Chief, National Guard Bureau.

f. Officer type air technicians positions may not be transferred or changed without prior approval of the Chief, National Guard Bureau. (JA 657)

h. Air National Guard civilian personnel may not accept outside employment which interferes or conflicts with the performance of their Air National Guard civilian duties.

k. Officers required to meet a Federal recognition board should not be employed prior to receipt of Federal recognition, and any individual if so employed accepts such employment at his own risk. Officers exempted from meeting a Federal recognition board may be employed and paid from the date the individual is appointed. Airmen may be employed upon completion of the oaths of enlistment.

1. The authority governing matters pertaining to Air National Guard civilian personnel is contained in this regulation and will be quoted as reference in special orders and other official action.

3. *Authority*

a. Basic authority for the employment of Air National Guard civilian personnel is contained in Section 90, National Defense Act, as amended.

b. Authority is delegated to the adjutants general of the several States, Territories, Puerto Rico, and the District of Columbia, to employ, fix rates of pay, establish work hours (a minimum of 40 hours per week) supervise and discharge employees within the purview of this regulation; subject to the provisions of law and such instructions as may be subsequently issued by the Chief, National Guard Bureau. (JA 658)

5. *Definitions:* For the purpose of this Regulation:

a. "Air National Guard civilian personnel" means any and all civilians employed by the several States, Territories, Puerto Rico, and the District of Columbia, permanent or temporary, male or female, supported wholly or in part by Federal funds appropriated for that purpose, including but not limited to the following:

(1) Air technicians means a person employed for the performance of the duties of positions listed on the manning guide and paid from funds designated for the pay of air technicians. (JA 659)

Plaintiff's Exhibit 3

ANGM 40-01

AIR NATIONAL GUARD MANUAL

CIVILIAN PERSONNEL MANUAL

1 March 1958

Department of the Air Force • National Guard Bureau

ANG Manual 40-01

Department of the Air Force
Washington, 1 March 1958

FORWORD

The Air National Guard Civilian Personnel Manual is issued to provide staff and operating personnel with a convenient reference to the titles, grade, job number and duties of civilian personnel in the Air National Guard. Provisions are also included for the submission of recommendations for new or revised positions, grades and titles.

Provisions of this manual will govern all Air National Guard civilian employees, including those employed on a temporary hourly rate basis except those hired wholly from State or service contract funds, and will become effective as of 1 April 1958.

All Air National Guard civilian personnel will be permitted access to the contents of this manual and will be fully acquainted with the duties and responsibilities of their positions.

Recommendations or suggestions for the improvement of procedures or position descriptions of this manual are

encouraged. Comments may be forwarded to National Guard Bureau, NG-AFOTP, Washington, D. C.

BY ORDER OF THE SECRETARY OF THE AIR FORCE:

EDGAR C. ERICKSON
Major General
Chief, National Guard Bureau

OFFICIAL:

JAMES E. BARBER
Colonel, NGB
Executive

DISTRIBUTION:

1 ea AG

1 ea USP&FO

4 ea Flying Detach

1 ea Non-Flying Detach

The listing below is in numerical order according to job numbers. The status indicates the position can be occupied by Officer (O), Warrant Officer (WO)*, Airman (A), Female (F), and Non-Guardsman (X). The job title and career field title indicate the technician job title and corresponding Air Force career field and title. These are the new position numbers and titles; for the conversion see Section II, Paragraph 12.

* An airman who is appointed warrant officer may be retained in his airman type position. A warrant officer will not be hired direct into airman type positions except into the position of Aircraft Maintenance Chief, Job Number 43-10.

Job No.	Status	Job Title	Career Field and Title
00-00	O	Base Detachment Commander	00 Commanders
00-01	O	Base Detachment Commander	00 Commanders
00-02	O	Base Detachment Commander	00 Commanders
00-03	O	Training Site Supervisor	00 Commanders
00-04	O	Training Site Supervisor	00 Commanders
14-00	O	Operations Supervisor	11 Opns & Trng
14-01	O	Flying Training Instructor	14 Opns & Trng
23-09	O	Intelligence Photo Radar Supv	23 Photographic
23-10	A	Photo Technician	23 Photographic
23-11	A	Photo Tech and Repairman	23 Photographic
23-12	A	Photo Lab Technician	23 Photographic
23-13	A	Camera Repairman	23 Photographic
27-10	A	Air Operations Specialist	27 Air Traffic Cont & Wng
27-11	A	Air Operations Technician	27 Air Traffic Cont & Wng
30-00	O	Communications Supervisor	30 Comm & Electronics
30-01	O	Radar Station Commander	30 Comm & Electronics
30-02	O	Radar Station Commander	30 Comm & Electronics
30-03	O	Tactical Control Sq Commander	30 Comm & Electronics
30-04	O	Tactical Control Gp Commander	30 Comm & Electronics
30-05	O	Comm & Electronics Supervisor	30 Comm & Electronics
30-10	A	Radio-Radar Maint Supt (Ground)	30 Radio-Radar Systems
30-11	A	Radar Maint Tech (Airborne)	30 Radio-Radar Systems
30-12	A	Radar Mechanic (Airborne)	30 Radio-Radar Systems
30-14	A	Radar Maint Technician (Gnd)	30 Radio-Radar Systems
30-15	A	Radar Mechanic (Ground)	30 Radio-Radar Systems
30-17	A	Radio Maint Tech (Airborne)	30 Radio-Radar Systems
30-18	A	Radio Mechanic (Airborne)	30 Radio-Radar Systems
30-20	A	Radio Maintenance Tech (Gnd)	30 Radio-Radar Systems
30-21	A	Radio Mechanic (Ground)	30 Radio-Radar Systems
30-23	A	Communications Technician	30 Radio-Radar Systems
32-10	A	Fire Control Superintendent	32 Fire Control Systems
32-11	A	Fire Control Technician	32 Fire Control Systems
32-12	A	Fire Control Specialist	32 Fire Control Systems
34-10	A	Flight Simulator Technician	34 Training Devices
34-11	A	Flight Simulator Specialist	34 Training Devices
34-12	A	Synthetic Trainer Technician	34 Training Devices
42-10	A	Hydraulic Technician	42 A/C Accessories Maint
42-11	A	Propeller Technician	42 A/C Accessories Maint
42-13	A	Instrument Technician	42 A/C Accessories Maint
42-14	A	Electronic Fuel Cont Tech	42 A/C Accessories Maint
42-15	A	Electrical Technician	42 A/C Accessories Maint
42-16	A	Electronic Fuel Cont. Specialist	42 A/C Accessories Maint
43-00	O	Maintenance Supervisor	43 Maint & Engineering
43-10	O-WO	A Aircraft Maintenance Chief	43 Aircraft & Eng Maint
43-11	A	Chief Maintenance Inspector	43 Aircraft & Eng Maint
43-12	A	Maintenance Inspector	43 Aircraft & Eng Maint
43-13	A	Aircraft Maint Technician	43 Aircraft & Eng Maint
43-14	A	Senior Aircraft Mechanic	43 Aircraft & Eng Maint
43-15	A	Aircraft Mechanic	43 Aircraft & Eng Maint
43-16	A	Jet Eng Maint Supt	43 Aircraft & Eng Maint
43-17	A	Jet Engine Technician	43 Aircraft & Eng Maint
43-18	A	Jet Engine Mechanic	43 Aircraft & Eng Maint
43-19	A	A/C Dock Superintendent	43 Aircraft & Eng Maint
43-20	A	Flight Engineer Technician	43 Aircraft & Eng Maint
45-10	A	Production Scheduling Tech	45 Productions Control
46-10	A	Munitions & Weapons Tech	46 Muntns & Wpns Maint
46-11	A	Munitions and Weapons Spec	46 Muntns & Wpns Maint

Job No.	Status	Job Title	Career Field and Title
47-10	A	Motorized Equip Superintendent	47 Motor & Misc. Maint
47-11	A	Mechanic (General)	47 Motor & Misc. Maint
47-12	A	Gnd Pow & Support Equip Rpmn	47 Motor & Misc. Maint
47-13	A	Vehicle Operator (Mechanic)	47 Motor & Misc. Maint
53-10	A	Machinist	53 Metal Working
53-11	A	Sheet Metal Technician	53 Metal Working
53-12	A	Welder	53 Metal Working
55-00	O	Instals Facilities Supv	55 Instals Engineering
57-10	A	Crash/Fire Rescue Specialist	57 Firefighting
58-10	A	Parachute Rigger & Repairman	58 Fabric, Lthr & Rubbr
59-10	A	Boat Master	59 Marine
59-11	A	Marine Engineer	59 Marine
64-00	O	Supply Supervisor	64 Supply
64-01	O	Assistant Supply Supervisor	64 Supply
64-10	A	Editing & Doc Control Tech	64 Supply
64-11	A	Supply Records Specialist	64 Supply
64-12	A	Refueling Unit Operator	64 Supply
64-13	A	Warehouse Specialist	64 Supply
64-14	A	Warehouse Specialist (Apr)	64 Supply
64-15	A	Petroleum Specialist	64 Supply
64-16	A	Clerk Parts (Maintenance)	64 Supply
64-17	A	Purchasing & Contracting Spec	64 Supply
64-18	A	Warehouse Superintendent	64 Supply
64-19	A	Inventory and Inspec Spec	64 Supply
64-20	A	Supply Records Superintendent	64 Supply
64-21	A	Org Supply Superintendent	64 Supply
64-22	A	Org Supply Technician	64 Supply
64-23	A	Clerk Parts (Maintenance)	64 Supply
64-24	A	Org Supply Specialist	64 Supply
64-25	A	Transportation Specialist	64 Supply
64-26	A	Supply Specialist (Apr)	64 Supply
67-10	A	Accounting Specialist	67 Fin, Acctg & Auditing
67-11	A	Finance Specialist	67 Fin, Acctg & Auditing
68-00	O	Accounting Supervisor	68 Comptroller
68-01	O	Accounting Supervisor	68 Comptroller
68-02	O	Accounting Supervisor	68 Comptroller
70-01	O	Administrative Supervisor	70 Administration Services
70-02	O	Administrative Supervisor	70 Administration Services
70-03	O	Administrative Supervisor	70 Administration Services
70-04	O	Administrative Assistant (State)	70 Administration Services
70-05	O	Administraive Asst. (State)	70 Administration Services
70-06	O	Administratige Asst. (State)	70 Administration Services
70-11	A	Administrative Technician	70 Administration

SECTION I

GENERAL PROVISIONS

1. *Format*

This manual is issued in loose-leaf form to facilitate reference and current maintenance. Changes to this manual will be effected by rescission, additions, and deletions of specific pages or of entire sections, based on the extent of change to be effected.

2. *Maintenance of Manual*

a. Copy or copies of this manual will be maintained by each office listed on the distribution. Any changes will be forwarded by numbered transmittal sheets and inserted in the appropriate space within the manual.

b. The following internal distribution is recommended:

(1) Each major functional area at a flying base should maintain a copy of the manual—supply, maintenance, operation and administration. The other functional areas will consult the administrative copy.

(2) Each non-flying detachment not located on or not fully dependent on a flying base should maintain a copy to include Headquarters State Air National Guard, electronics and communications units or detachments and other detachments that "need to know" may request copies from National Guard Bureau, AFOTP.

3. *Delegation of Authority*

The authority of the National Guard Bureau to regulate the employment and rates of compensation is contained in Department of the Army General Order 96, dated 9 November 1951, subject, "Delegation of Authority for the Employment and Fixing of Salaries for All Caretakers and Clerks in the National Guard Bureau."

4. *Policy*

a. It is the policy of the National Guard Bureau that positions will be classified in an orderly manner to provide a systematic basis for salary or wage determination, as well as for the application of the various processes of air technician personnel management and administration. This policy, applied within the framework of governing laws and regulation, will facilitate the equal treatment within each classification and pay category of employees performing comparable work.

b. In order that this policy may be made operative, it is necessary that pay rates bear a direct relationship to the level of responsibility and qualification required for the work performed. Through a process of job evaluation both National Guard Classified (NGC) and National Guard Maintenance (NGM) positions are graded to provide for the equitable application of the appropriation salary or wage schedules.

c. To provide for effective administration of the program, the classification structure will be maintained through periodic manpower management surveys and desk audits of positions.

5. *Responsibility*

a. Adjutants general of various States, Territories, Puerto Rico or the District of Columbia will be responsible for:

(1) Insuring that the requirements and policies of the Air National Guard position classification program are followed at all air technician detachments.

(2) Furnishing recommendations, suggestions, and information to the National Guard Bureau on matters pertaining to classification standards, or on policies, techniques, and procedures affecting the position classification program.

(3) Maintains contact with the Civilian Personnel Office at nearest military installation and assists him in gathering information necessary for proper adjustment of the locality pay schedule.

b. The base detachment commander or senior air technician will be responsible for:

(1) Implementing and maintaining the position classification program as a means to facilitate the personnel management process in the accomplishment of the air technician detachment mission.

(2) Furnishing the State adjutants general with information, suggestions, or recommendations pertinent to classification policies, techniques, and procedures affecting the position classification program.

(3) Promoting the position classification program and assuring its understanding and implementation by supervisors and all employees.

(4) Keep current on the standard pay rates in their locality and advise the adjutant general of material changes. Maintain close coordination with the Civilian Personnel Office at the nearest military installation.

6. *Categories of Positions*

There are two major categories of positions in the National Guard Air Technician Program which are the National Guard Classified (NGC) type and the National Guard Maintenance (NGM) type.

a. National Guard Classified Type Positions (NGC). This type of category is characterized by administration, clerical, certain supervisory and professional type positions. Numerical designations of the grade are the same as those in the General Schedule of Employees of the United States Civil Service. The National Guard Bureau

is guided by the Classification Act of 1949 and pay rates for this category are controlled by Congressional action.

b. National Guard Maintenance Type Positions (NGM). This type of category is characterized by trade, craft, maintenance, and labor type positions. These positions are similar to United States Civil Service Wage Board positions and pay rates are adjusted by periodic surveys conducted by the Army-Air Force Wage Board. The following pay rates are included in this category classification:

(1) *National Guard Maintenance (NGM).* Technically skilled positions primarily concerned with the accomplishment of specific tasks and duties related to crafts, trades, maintenance of equipment and physical labor. The employees in these positions accomplish tasks and duties as directed by supervisory personnel.

(2) *National Guard Maintenance—Leader (NGM-L).* Technically skilled positions in which the employees exercise responsibility for the work of the positions stated in (1) above, and participate in the accomplishment of assigned duties and tasks.

(3) *National Guard Maintenance—Supervisor (NGM-S).* Technically skilled positions primarily concerned with direct supervision of the duties and tasks assigned to the employees in positions (1) and (2) above. Incumbents of these positions must be qualified to perform the work assigned to the employees under their supervision.

7. Use of Manual

A copy of this manual will be available for review and reference by supervisors and by employees. Ready access to the manual is essential for an understanding by Air National Guard civilian and military commanders of the responsibilities of Air National Guard civilian personnel.

MAINTENANCE SUPERVISOR

Grade: NGC-11

Job Number: 43-00

1. NATURE AND PURPOSE OF WORK:

A. *Introduction:*

The position is located in the Maintenance Division of an Air Technician Detachment. The incumbent is responsible for coordination, superivsion and control within the maintenance division for aircraft maintenance, (field and organzational type), electronics, motor vehicle and support equipment. Incumbent will maintain proper administrative practices when carrying out his responsibilities, using all accepted management principles.

B. *Duties:*

1. Supervises the Production Control Section to assure that all activities of maintenance are planned and coordinate properly. Arranges for work assignments and deadlines on priority jobs in coordintion with production control.

2. Will supervise the Quality Control activity to assure that the section complies with all technical orders and similar directives on aircraft maintenance, inspections, and like activities.

3. Establishes, directs, and administers policies and procedures for all maintenance functions to include: electronics, electrical, hydraulics, machinist, welder, instruments, auxiliary hangar equipment, engine shop, motorized equipment, etc.

4. Advises or assists superintendents of the various maintenance areas in the more difficult technical problems involving supply, maintenance, repair, modification and

storage. Recommends actions regarding requisitions and disposition of property.

5. May conduct a school or training class for the purpose of training present or future superintendents in the technical administrative problems involving the various functions of management.

6. Is responsible for ground safety, fire and crash rescue as concerns the Maintenance Division.

7. Responsible for personnel practices in the Maintenance Division to include: approval of leave, recommends promotions, separations, transfers, disciplinary actions, interviews new employees, etc.

8. Responsible for obtaining bids for contractual maintenance services. Formulates instructions, specifications, and other material necessary to obtain bids. Decides what bid to accept and assures completeness of contract with coordination with the Base Supply Supervisor.

C. *Responsibility for Work of Others:*

1. The incumbent is directly responsible for the Aircraft Maintenance Chief, Communications and Electronics Supervisor, and Motorized Equipment Superintendent.

2. The total maintenance area is controlled and managed by the Maintenance Supervisor which involves a minimum of 30 Civilian Air Technician employees.

II. Scope and Effect of Work:

The incumbent is responsible for the efficient management of the maintenance shop, electronics, motor vehicles, and all allied activities. The degree of efficiency with which he operates will directly reflect in the over all operation of the Air National Guard.

III. Supervision and Guidance Received:

Under general supervision of the Base Detachment Commander. The incumbent develops his own work procedures, generally establishes priorities and is primarily responsible for operation of the Maintenance Division.

IV. Mental Demands:

Must be thoroughly familiar with all operations of the Maintenance Division to include all aircraft repair and maintenance, motorized equipment repair, ground safety, supply, etc. Must be able to advise or answer any technical question involving his division. Occasionally operates maintenance function under extensive heavy workload, which calls for organized planning and coordination within the section.

V. Personal Work Contact:

Contacts are with subordinate personnel Base Detachment Commander, Air Force Inspectors, and visiting personnel from the Air Force and the National Guard Bureau.

VI. Qualifications:

A. *Mandatory:*

1. Must possess six years overall experience in all phases of aircraft maintenance and repair of allied equipment.

2. Completion of an Air Force course in maintenance.

3. Must have management background, either military or civilian.

B. *Desirable:*

1. Completion of an Air Force maintenance management course.

2. Be a rated pilot on flying status to enable incumbent to make test flights on assigned aircraft.

AIRCRAFT MAINTENANCE CHIEF

Grade: NGMS-9

Job Number: 43-10

1. GENERAL:

The position is located in the Aircraft Maintenance Section, Maintenance Division, of an Air Technician Detachment. The incumbent is responsible for hangar and flight-line maintenance, inspections, and repair of all aircraft, jet or conventional, assigned and transient. Incumbent must be thoroughly familiar with all technical phases of aircraft maintenance and allied equipment. Required to know and understand management principles and their application when dealing with subordinates. The efficiency with which the incumbent performs his work will contribute greatly to the over-all mission of the Air National Guard within a State.

II. DUTIES AND RESPONSIBILITIES

1. Responsible for production planning and control of the Aircraft Maintenance Section, coordinating activities with the Production Scheduling Technician and the Maintenance Supervisor. Arranges for work assignment and deadlines on priority jobs in coordination with production control.

2. Directly supervises all field type maintenance (hangar maintenance) including aircraft docks, and all shops. The shops consist of hydraulic, propeller, instrument, electrical, jet engine repair and build-up, sheet metal, and machinist.

3. Directly supervises all flight line maintenance (organizational maintenance) including all unscheduled maintenance.

4. Assigns work to subordinates considering individual skills, aptitudes and knowledge.

5. Performs necessary follow-up on all assigned jobs. Must be aware of any work stoppage, problems or bottlenecks that may occur during the operation and take necessary steps to resolve these difficulties. Maintenance duties which will be accomplished consist of: scheduled aircraft and engine inspections, scheduled engine and accessory change, unscheduled maintenance, etc.

6. Conducts personnel actions that may include; approval of annual and sick leave and forwards it for final approval, settles complaints arising from work assignments, pay and job requirements, takes necessary action to create good work habits, and shifts personnel as required to meet peak workloads. Refers problems to the Maintenance Supervisor when they cannot be settled at this level.

III. Physical Work Effort:

Active; climbs, working in straining position.

IV. Working Conditions:

Inside and outside work; in proximity of moving propellers and jet engine blasts; danger of falling; danger of fumes and fire from high octane gasoline.

V. Qualifications:

A. *Mandatory:*

1. Minimum of five (5) years' experience as an Aircraft Maintenance Technician, either civilian or military capacity.

2. Capable of researching, reading, and understanding technical orders, technical manuals, and stock lists.

3. Must be familiar with Air National Guard and Air Force aircraft maintenance procedures.

B. *Desirable:*

Graduate of formal maintenance training courses equivalent to the requirements for an A&E certificate.

Defendant's Exhibit 7. AFR 45-2

2. *General. b. Air National Guard* — The National Guard Bureau is charged with administering approved Department of the Air Force policies other than those relative to training, for the Air National Guard not in the Federal service, and with promulgating Department of the Air Force directives and regulations applicable to the Air National Guard, including those relative to training (J.A. 688)

4. *National Guard Bureau Regulations.* a. The National Guard Bureau will, from time to time, publish joint National Guard Regulations when such regulations are applicable to both the Army and Air National Guard, or separate National Guard Regulations when such regulations are applicable to the Army National Guard only or to the Air National Guard. National Guard Regulations will govern the Army National Guard and the Air National Guard when not in Federal service in the same manner as Army Regulations or Air Force Regulations govern the Regular components of the service.

b. Joint National Guard Regulations will be issued subject to the approval of the Chief of Staff, United States Army, and the Chief of Staff, United States Air Force. National Guard Regulations pertaining to the Army National Guard only will be issued subject to the approval of the Chief of Staff, United States Army. National Guard Regulations pertaining to the Air National Guard only will be issued subject to the approval of the Chief of Staff, United States Air Force. (J.A. 669-670)

Defendant's Exhibit 9. ANGR 50-01

1. Training authority: The requirements to be met and the sources of authority for the training and instruction of the Air National Guard not in Federal service are set forth in the following:

a. Sections 5, 91, 92, 93, 94, 96, 97, and 99, National Defense Act, as amended, and Sections 201 and 501, Public Law 351, 81st Congress, hereafter referred to as Career Compensation Act of 1949.

b. Air National Guard Regulations.

c. The policies of the Department of the Air Force.

d. The orders, instruction, and training announcements issued by the Chief of Staff, United States Air Force pursuant to authority specifically delegated to him by the Secretary of the Air Force.

e. The orders and detailed instructions promulgated by the Chief, National Guard Bureau to the Air National Guard not in Federal service with the approval of the Chief of Staff, United States Air Force, in amplication of, and to make effective, the policies indicated in c above.

2. National Guard Bureau Instructions. The Chief, National Guard Bureau is charged with promulgating to the Air National Guard not in Federal Service, from time to time, the necessary orders and instructions to make effective the Department of the Air Force training policies.

a. The training of the Air National Guard will conform to the Department of the Air Force policies and directives as prescribed for the Regular Air Force.

b. It will be conducted by the Air National Guard organizations of the respective States under the supervision of the commanding generals of the appropriate major forces, in accordance with the policies prescribed by the

Department of the Air Force. Such supervision will be exercised by:

1. Preparation of training directives.

2. Supervision of United States Air Force Instructors.

3. Authority to conduct inspections.

4. Conduct of tests.

5. Furnishing the Department of the Air Force with appropriate reports on state of training and recommendations for necessary remedial actions. (J.A. 671-673)

5 United States Code 751

Disability or death of employee: willful misconduct. The United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death. (Sept. 7, 1916, c. 457, Sec. 1, 39 Stat. 742).

Article 1A, sec. 10, pg. 197, Annotated Code of Maryland, 1951

(Collision of Aircraft) The liability of the owner of one aircraft to the owner of another aircraft, or to airmen or passengers on either aircraft, for damage caused by collision on land or in the air, shall be determined by the rules of law applicable to torts on land.